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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,838

06/14/2006

Lars Lilljequist

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03/31/2008

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

RAHMANI, NILOOFAR

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

03/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,838	Applicant(s) LILLJEQUIST ET AL.	
	Examiner NILOOFAR RAHMANI	Art Unit 1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,27-29,32,35,36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,15-17,27-29,32,35,36 and 38 is/are rejected.
- 7) ☒ Claim(s) 3-14 and 18-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24, 27-29, 32, 35-36, and 38 are pending in the instant application and claims 25-26, 30-31, 33-34, and 37 are cancelled.

Priority

2. This application is filed on 06/14/2006, which is a 371 of PCT/SE04/01909, filed on 12/16/2004, which claims priority of SWEDEN 0303451-9, filed on 12/18/2003.
3. The rejection of claims 18-20 under 35 U.S.C. 112, second paragraph is withdrawn for reason of applicant's amendment and argument in paper dated 01/10/2008.
4. The rejection of claims 32, 35-36 under 35 U.S.C. 112, first paragraph is maintained for reason of record. Applicants argue that the prior art is replete with enabling disclosures directed to the administration and efficacy of the class of imidazopyradine compounds to which the claimed invention belongs for the treatment and/or inhibition of gastric-acid secretion, gastric-acid related diseases, and airway disorders. In addition to the prior art cited and discussed in the specification, the examiner's attention is directed to the prior art cited by the examiner in support of the obviousness rejections of record. It is examiner's position that in the instant specification, there is no correlation between the instant compounds and treating any and all diseases. Nor, there is no guidance or examples for treating any diseases using the compounds in claim 1.

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5. The rejection of claims 1-2, 15-17, 27-29, 32, 35-36, and 38 under 35 U.S.C. 103(a) over WO 2003/094967, WO 2002/064118, WO 2002/020523, WO 99/55706 is maintained for reason of record. Applicants argue that the claimed compounds have higher bioavailability and faster absorption than the corresponding HCL salt or the free base. Unexpectedly, the claimed mesylate salt has superior properties compared to the compounds in the form of a free base or an HCL salt. It is examiner's position that one ordinary skill in the art would be motivated to modify the salt of the compound with a reasonable expectation to obtain the instate mesylate salt. Because changing one salt to another is within the skill of artesian and mesyalte is a common salt. Examiner suggest that applicants submit comparison data in the form of a declaration, which they have already done in the form of a table found on page 15 in their submission dated 01/10/2008.

6. The objection of claims 3-14, and 18-24 is maintained as being dependent upon a cancelled base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NILOOFAR RAHMANI

MARGARET D. SEAMAN

03/25/2008

PRIMARY EXAMINER

/D. Margaret Seaman/

Primary Examiner, Art Unit 1625

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